

Applicant : Brian R. Parker et al.  
Appln. No. : 10/848,803  
Page : 11

### REMARKS

Claims 1-48 are pending in the present application. Reconsideration is respectfully requested for the following reasons.

Applicants would like to thank the Examiner for taking the time for a telephone interview on April 3, 2004 in which the rejection of claims 1, 28 and 34 over U.S. Patent No. 6,968,736 to Lynam was discussed. In the interview, Applicants pointed out that the Lynam '736 patent states on lines 14-15 of column 7 that "[h]ousing 14 is adapted to urge rain sensor unit 22 into optical contact with inner surface 11 of windshield." Accordingly, Applicants submitted that the Lynam '736 patent does not include a sensor configured to be operatively coupled to a windshield independent of an interior rearview mirror system as claimed in claim 1 along with the remaining features of claim 1, an interior rearview mirror system that does not bias a sensor against a windshield when the interior rearview mirror system is connected to the button as claimed in claim 28 along with the remaining features of claim 28, or an interior rearview mirror system that does not bias a sensor against a windshield when the interior rearview mirror system is connected to the button as claimed in claim 34 along with the remaining features of claim 34.

In the interview, the Examiner indicated that Applicants had a good point and it does not appear that the Lynam '736 patent anticipates any of the pending claims in the present application. Accordingly, Applicant submits that all of the pending claims are in condition for allowance.

Claims 1-48 have been rejected under 35 U.S.C. §102(e) as being anticipated by the Lynam '736 patent. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of anticipation based upon the prior art. *In re Sun*, 31 U.S.P.Q.2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Applicant respectfully asserts that the Examiner has not yet met his burden of establishing a prima facie case of anticipation with respect to the rejected claims.

Claim 1 defines an interior rear viewing and sensing system for a vehicle having a

Applicant : Brian R. Parker et al.  
Appln. No. : 10/848,803  
Page : 12

windshield and a button connected thereto. The interior rear viewing and sensing system comprises a sensor configured to be connected to the windshield and be located adjacent the button and an interior rearview mirror system configured to be connected to the button and to cover the sensor. The sensor is configured to be operatively coupled to the windshield independent of the interior rearview mirror system. At least a portion of the sensor is no longer operatively coupled to the windshield as the interior rearview mirror system is detached from the button.

Applicants submit that the prior art of record does not disclose the above noted features of claim 1. As discussed during the interview, the Lynam '736 patent does not include a sensor being configured to be operably coupled to a windshield independent of a rearview mirror system as claimed in claim 1, along with the remaining features of claim 1, as the Lynam '736 patent states that the "[h]ousing 14 is adapted to urge rain sensor unit 22 into optical contact with inner surface 11 of windshield." Lines 14-15 of column 7 of the Lynam '736 patent. Therefore, the Lynam '736 patent does not include all of the above noted features of claim 1 and claim 1 is in condition for allowance.

Claims 2-27 depend from claim 1, and since claim 1 defines patentable subject matter as discussed above, claims 2-27 define patentable subject matter. Furthermore, in regard to claim 2 (along with claims 3-6 which depend from claim 2) the cited art of record does not further include a sensor comprising a first section and a second section, with the first section being configured to be connected to a windshield and the second section being removably connected to the first section, along with the remaining features of claims 1 and 2. Notably, the cited section of the Lynam '736 patent in the Office Action is a discussion of a button 17 relative to a housing 14 and does not discuss a first or second section of a sensor. Furthermore, in regard to claims 3-5, 7-9 and 16-20, Applicants submit that the Lynam '736 patent does not disclose any section or portion of a sensor and an interior rearview mirror system including facing ledges as claimed in these claims, along with the above-noted features of claim 1. Applicants submit that the Lynam '736 patent does not include a sensor having ledges or an interior rearview mirror system having ledges, with the ledges adapted to engage at any point, along with the above-noted features of claim 1. Moreover, in regard to claim 11, the cited art of record does not include any sensor

configured to be pressed against a windshield by at least one retainer extending from a button and an interior rearview mirror system configured to engage the at least one retainer of the button as the interior rearview mirror system is detached from the button, along with the above-noted features of claim 1. Applicants submit that the Lynam '736 patent does not disclose any retainer pressing a sensor against a windshield and an interior rearview mirror system configured to engage the retainer, along with the above-noted features of claim 1. Moreover, in regard to claims 21-24, Applicants submit that the cited art of record does not disclose any mounting foot or T-shaped member as claimed along with the ledges as claimed in claim 16, along with the above-noted features of claim 1. Accordingly, claims 2-27 are in condition for allowance.

Claim 28 defines a viewing system for a vehicle having a windshield, a button connected thereto and a sensor being retained against the windshield by at least one retainer. The viewing system comprises an interior rearview mirror system configured to be connected to the button and be adjacent the sensor. The interior rearview mirror system includes a mechanism configured to engage the at least one retainer. The interior rearview mirror system does not bias the sensor against the windshield when the interior rearview mirror system is connected to the button. The mechanism is configured to engage the retainer as the at least one interior rearview mirror system is detached from the button to thereby pull the at least one retainer away from the sensor, thereby allowing the sensor to fall from the windshield.

The prior art of record does not disclose the above noted features of claim 28. Specifically, the Lynam '736 patent does not disclose an interior rearview mirror system that does not bias a sensor against a windshield when the interior rearview mirror system is connected to a button, as discussed in the interview, or a mechanism configured to engage a retainer, along with the remaining features of claim 28. Accordingly, claim 28 is in condition for allowance.

Claims 29-33 depend from claim 28, and since claim 28 defines patentable subject matter as discussed above, claims 29-33 define patentable subject matter. Accordingly, claims 29-33 are in condition for allowance.

Claim 34 defines a viewing system for a vehicle having a windshield and a button and a sensor being connected to the windshield. The viewing system comprises an interior rearview mirror system configured to be connected to the button and be adjacent the sensor. The interior

Applicant : Brian R. Parker et al.  
Appln. No. : 10/848,803  
Page : 14

rearview mirror system includes a mechanism configured to engage the sensor. The interior rearview mirror system does not bias the sensor against the windshield when the interior rearview mirror system is connected to the button. The mechanism is configured to engage at least a portion of the sensor as the interior rearview mirror system is detached from the button to thereby pull the at least the portion of the sensor away from the windshield.

The prior art of record does not disclose the above noted features of claim 34. Specifically, as discussed during the telephone interview, the Lynam '736 patent does not disclose an interior rearview mirror system that does not bias a sensor against a windshield when the interior rearview mirror system is connected to a button, along with the remaining features of claim 34. Accordingly, claim 34 is in condition for allowance.

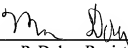
Claims 35-48 depend from claim 34, and since claim 34 defines patentable subject matter as discussed above, claims 35-48 define patentable subject matter. Furthermore, in regard to claims 35 and 37-46, Applicants submit that the Lynam '736 patent does not disclose any section or portion of a sensor, an interior rearview mirror system, or a mounting bracket cover including ledges as claimed in these claims, along with the above-noted features of claim 34. Applicants submit that the Lynam '736 patent does not include the sensor having ledges, and an interior rearview mirror system or a mounting bracket cover having ledges, with the ledges adapted to engage at any point, along with the above-noted features of claim 34. Moreover, in regard to claims 42-45, Applicants submit that the cited art of record does not disclose any mounting foot or T-shaped member as claimed along with the ledges as claimed in claim 37 and the above-noted features of claim 34. Accordingly, claims 35-48 are in condition for allowance.

Applicant : Brian R. Parker et al.  
Appln. No. : 10/848,803  
Page : 15

Claims 1-48 are in condition for allowance and a Notice of Allowance is therefore earnestly solicited.

Respectfully submitted,

4/15/08  
Date

  
\_\_\_\_\_  
Marcus P. Dolce, Registration No. 46 073  
Price, Heneveld, Cooper, DeWitt & Litton, LLP  
695 Kenmoor, S.E.  
Post Office Box 2567  
Grand Rapids, Michigan 49501  
(616) 949-9610

MPD/msj